

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )                                    No. 3:10-CR-159  
                                  )  
GENEVA BUSSELL,             )                                    (VARLAN/SHIRLEY)  
                                  )  
Defendant.                    )

**ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant Geneva Bussell's Motion for Additional Testing [Doc. 298], filed on June 21, 2011. On May 24, 2011, the Court ordered [Doc. 285] that the Defendant undergo a mental evaluation to determine her competency to stand trial. The Defendant selected Dr. James Murray to conduct this evaluation. In her motion, the Defendant states that Dr. Murray needs the results of additional testing by a neuropsychologist or neurologist in order to reach an opinion as to the Defendant's competency. The Court heard the parties on the motion on June 29 and July 13, 2011; and the parties reconvened on the matter on July 22, 2011. Assistant United States Attorney Alexandra Hui appeared on behalf of the Government. Attorney Tommy K. Hindman represented the Defendant, who was also present.

After researching the list of practitioners provided by defense counsel, AUSA Hui selected Dr. Malcom Spica, stating that he was the most qualified and could perform the testing the most quickly. Based upon the information provided by defense counsel (including the letter from

Dr. James Murray), the Court finds that the additional testing appears to be necessary to Dr. Murray's evaluation of the Defendant's competency to stand trial. Accordingly, the Defendant's Motion for Additional Testing [**Doc. 298**] is **GRANTED**. With the agreement of the parties, the Court approves Dr. Spica to perform the additional testing. Dr. Spica estimates that he will be able to provide Dr. Murray with the test results by August 8, 2011. Dr. Murray, in turn, estimates that he will need two to three weeks upon receipt of the test results to complete his report of the mental evaluation. Once it receives Dr. Murray's report, the Government will have approximately two weeks to determine whether it will engage its own expert to evaluate the Defendant. The Court has set a competency hearing and/or status conference for **September 13, 2011, at 2:00 p.m.** The Court will conduct a telephone conference with counsel on **September 6, 2011, at 2:00 p.m.**, to determine whether the Government will be selecting an expert and the exact nature and purpose of the September 13 hearing.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge